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#23

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/892,836	07/15/97	SKEEM M	F-3278

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C2M1/0320

EXAMINER	
NGUYEN, G	
ART UNIT	PAPER NUMBER
3203	

DATE MAILED: 03/20/98

**BEST AVAILABLE COPY**

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents.

**A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS ACTION IS SET  
TO EXPIRE \_\_\_\_\_ MONTHS, DAYS FROM THE DATE OF THIS LETTER.**

# Office Action Summary

Application No.  
**08/892,836**

Applicant(s)  
**Skeem et al.**

Examiner  
**Nguyen**

Group Art Unit  
**3203**



☒ Responsive to communication(s) filed on Mar 13, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1, 3-26, and 28-34 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1, 3-26, and 28-34 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### ***Response to Amendment***

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Please also note that this action is not final due to a new ground of rejection based on recently prior art admitted by the applicant.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-26, and 28-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lowder et al.'673 in view of Scott'072.

With reference to Fig. 1, column 2, line 47 bridging to column 6, line 59, Lowder discloses an improved diamond abrasive tool and method of manufacture characterized by a direct brazing technique of diamond crystals to a substrate surface which requires no pre-conditioning of the surface of the diamond in order to obtain the necessary wetting thereof. The method employed

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utilizes readily available, very hard and durable brazing alloys which have been discovered to readily wet the diamond surface to obtain a final product wherein the minimum depth of the alloy bond tends to occur intermediate adjacent diamond crystals with outstanding retention of the crystals and greatly extended tool life. In column 5, lines 27-35, Lowder further discloses that the application of the described invention to the manufacture of diamond abrasive tools encompasses a great variety of sizes, shapes, and types of tools from extremely thin abrasive discs to larger diameter grinding wheels and saw blades. But Lowder does not disclose the cutting surface having a negative angle of inclination with respect to the intended direction of movement.

With reference to Figs. 2-4, column 4, line 50 bridging to column 5, line 50, Scott discloses that the mesh cutting element 34 defines a surface inclined relative to the travel direction 50 of the cutting tool. The cutting element 34 is a mesh comprising abrasive material formed by uniformly distributing and securing hard, wear resistance particles, such as industrial diamonds. The cutting mesh is bonded to the support links by an adhesive agent such as industrial epoxy or by brazing. The bonding agent may also include a layer or wearable or consumable material to provide additional support for the cutting mesh on the support links. With reference to Fig. 8, column 7, line 33 bridging to column 8, line 12, the inclination of the planar surface of the mesh, whether it is on the support or the cover, applies only a relatively small area of the trailing edge of the mesh cutting element to the material cut. This reduces the area of contact between the material to be cut and the cutting element, and thereby reduces the force required to accomplish the cutting action. As the mesh cutting element 34 wears at its trailing edge, some of the

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consumable material 48 following the cutting element 34 also wears away. However, it always leaves a next row of particles in abrading contact with the material to be cut. In essence, Scott discloses a cutting element having a cutting surface with a negative angle of inclination with respect to the intended direction of movement. Furthermore, Scott discloses in column 8, lines 16-18, this cutting element with its inclined cutting surface may be applied to a circular saw.

Lowder discloses the claimed invention except for the cutting surface having a negative angle of inclination with respect to the intended direction of movement. Scott teaches that it is known to have a selected inclination of the surface of the cutting element taking into account the configuration of abrasive particles of the cutting element including, generally, usable height of and spacing between the abrasive particles. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide such abrasive inclination configuration on the cutting element as taught by Scott, since Scott states at column 3, lines 21-39 that such modification would achieve efficient utilization of the cutting element.

In regard to claims 4-12, 15-26, and 31-32, it would have been obvious matter of design choice to select the grain concentration and hardness index for the tooth depending on the material to be cut. Such engineering specification is well within the skill of the artisan.

In regard to claims 33-34, it would have been obvious matter design choice to apply the cutting element to core drills or abrasive sheets depending on the intended use.

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***Response to Arguments***

3. Applicant's arguments with respect to claims 1, 3-26, 28-34 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Nguyen whose telephone number is (703) 308-0163. The examiner can normally be reached on Monday-Friday from 7:00 AM-3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Scherbel, can be reached at (703) 308-1272. The fax number for this Group is (703) 305-3579.

An inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at (703) 308-1148.

George Nguyen

3/18/97

ROBERT A. ROSE  
PRIMARY EXAMINER

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